

### **REMARKS**

In response to the Restriction Requirement mailed January 14, 2010, applicants hereby elect the Group C claims (claims 14-15) with traverse. Applicants respectfully request reconsideration of the Restriction and rejoinder of the Group A claims (claims 1-9) with the Group C claims for prosecution in the present application. Applicants request rejoinder of the Group A claims with the Group C claims since claims 1-9 of Group A are directed to the same neural prosthesis that is being used in methods of the elected Group C invention. Furthermore, applicants note that the captioned application was filed as 35 USC 371 of PCT/US04/09104. Accordingly, applicants respectfully submit unity of invention is applicable for this application.

Applicants respectfully submit that at a minimum the Group A and Group C claims represent a single general inventive concept relating to a neural prosthesis/implant comprising nanomaterial and its use. The Examiner contends that nanomaterials are well known in the art, but applicants respectfully submit that nanomaterials have not been used in the context of a neuronal prosthesis/implant. Furthermore, applicants believe that the examination of the Group A claims simultaneously with the Group C claims would not represent an additional burden to the Examiner. Accordingly applicants respectfully request the rejoinder of the Group A claims with the Group C claims for examination within the present application.

Consistent with applicants' election of the Group C claims, non-elected claims 10-13 and 16-21 have been canceled. In addition, original claims 1, 5, 7 and 9 have been canceled and new claims 22-35 have been added. Support for new claims 22-34 is provided throughout the specification, including for example the specific sections reference below:

- Claim 22: original claims 2 and 3;
- Claim 23: original claim 4
- Claim 24: paragraph [00029], lines 4-5 of the specification
- Claim 25: original claim 5 and paragraph [00040] of the specification;
- Claim 26: original claim 6
- Claim 27: original claim 15, and paragraphs [00029], lines 4-5, [00037] and [00053] of the specification;
- Claim 28: paragraph [00029], lines 7-9 of the specification;
- Claim 29: original claim 8

Claim 30: original claims 10 and 15, and paragraphs [00037] and [00053] of the specification;

Claim 31: original claim 11

Claim 32: paragraphs [00034] and [00039] of the specification;

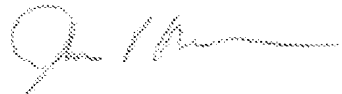
Claim 33: paragraph [00029], last sentence of the specification;

Claim 34: paragraph [00041] of the specification;

Claim 35: paragraph [00042] of the specification;

Applicants respectfully request allowance of the claims, and passage of the application to issuance. If any further discussion of this matter would speed prosecution of this application, the Examiner is invited to call the undersigned at (434) 220-2866.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'John P. Breen', with a stylized flourish at the end.

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